

(B) is a veteran who served during the period between January 1, 1969 and December 31, 1971 and—

- (i) served at least 6 months between January 1, 1969 and June 2, 1971; or
- (ii) enlisted or was drafted into military service after June 2, 1971 but before December 3, 1971.

(2) The personal representative of the estate of a decedent who was eligible under subsection (b)(1) of this section may, for the benefit of the heirs, select an allotment if, during the period specified in subsection (b)(1)(B) of this section, the decedent—

- (A) was killed in action;
- (B) was wounded in action and subsequently died as a direct consequence of that wound, as determined by the Department of Veterans Affairs; or
- (C) died while a prisoner of war.

(3) No person who received an allotment or has a pending allotment under the Act of May 17, 1906 may receive an allotment under this section.

#### (c) Study and report

(1) The Secretary of the Interior shall conduct a study to identify and assess the circumstances of veterans of the Vietnam era who—

- (A) served during a period other than that specified in subsection (b)(1)(B) of this section;
- (B) were eligible for an allotment under the Act of May 17, 1906; and
- (C) did not apply for an allotment under that Act.

(2) The Secretary shall, within one year of October 21, 1998, issue a written report on the study, including findings and recommendations, to the Committee on Appropriations and the Committee on Energy and Natural Resources in the Senate and the Committee on Appropriations and the Committee on Resources in the House of Representatives.

#### (d) Definitions

For the purposes of this section, the terms “veteran” and “Vietnam era” have the meanings given those terms by paragraphs (2) and (29), respectively, of section 101 of title 38.

#### (e) Regulations

No later than 18 months after October 21, 1998, the Secretary of the Interior shall promulgate, after consultation with Alaska Natives groups, rules to carry out this section.

(Pub. L. 92-203, §41, as added Pub. L. 105-276, title IV, §432, Oct. 21, 1998, 112 Stat. 2516.)

#### REFERENCES IN TEXT

Act of May 17, 1906, referred to in subsecs. (a)(1), (b)(1)(A), (3) and (c)(1)(B), (C), is act May 17, 1906, ch. 2469, 34 Stat. 197, as amended, which was classified to sections 270-1 to 270-3 of this title prior to its repeal by Pub. L. 92-203, §18(a), Dec. 18, 1971, 85 Stat. 710.

The Alaska Statehood Act, referred to in subsec. (a)(3)(B), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

Public land law, referred to in subsec. (a)(3)(I), is classified generally to this title.

### CHAPTER 33A—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT AND ALASKA STATEHOOD

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1642. Land conveyances.

**§ 1631. Ownership of submerged lands****(a) Meandering in the surveying of submerged land**

(1) Except as provided in paragraph (2), whenever the Secretary surveys land selected by a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or this Act, lakes, rivers, and streams shall be meandered in accordance with the principles in the Bureau of Land Management, "Manual of Surveying Instructions" (1973).

(2) If title to lands beneath navigable waters of a lake less than fifty acres in size or a river or stream less than three chains in width did not vest in the State pursuant to the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.], such lake, river, or stream shall not be meandered.

(3) The Secretary is not required to determine the navigability of a lake, river, or stream which because of its size or width is required to be meandered or to compute the acreage of the land beneath such lake, river, or stream or to describe such land in any conveyance document.

(4) Nothing in this subsection shall be construed to require ground survey or monumentation of meanderlines.

**(b) Ownership of riparian lands; ratification of memorandum of agreement**

(1) Whenever, either before or after August 16, 1988, the Secretary conveys land to a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or this Act which abuts or surrounds a meanderable lake, river, or stream, all right, title, and interest of the United States, if any, in the land under such lake, river, or stream lying between the uplands and the median line or midpoint, as the case may be, shall vest in and shall not be charged against the acreage entitlement of such Native or Native Corporation or the State. The right, title, and interest vested in a Native or Native Corporation shall be no greater an estate than the estate he or it is conveyed in the land which abuts or surrounds the lake, river, or stream.

(2) The specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled, "Memorandum of Agreement between the United States Department of the Interior and the State of Alaska" dated March 28, 1984, signed by the Secretary and the Governor of Alaska and submitted to the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, are hereby incorporated in this section and are ratified as to the duties and obligations of the United States and the State, as a matter of Federal law.

**(c) Interim conveyances and patents; navigability of streams; award of costs and attorney's fees**

(1) The execution of an interim conveyance or patent, as appropriate, by the Bureau of Land Management which conveys an area of land selected by a Native or Native Corporation which includes, surrounds, or abuts a lake, river, or stream, or any portion thereof, shall be the final agency action with respect to a decision of the Secretary of the Interior that such lake, river, or stream, is or is not navigable, unless such decision was validly appealed to an agency or board of the Department of the Interior on or before December 2, 1980.

(2) No agency or board of the Department of the Interior other than the Bureau of Land Management shall have authority to determine the navigability of a lake, river, or stream within an area selected by a Native or Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] or this Act unless a determination by the Bureau of Land Management that such lake, river, or stream, is or is not navigable, was validly appealed to such agency or board on or before December 2, 1980.

(3) If title to land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] or this Act which underlies a lake, river, or stream is challenged in a court of competent jurisdiction and such court determines that such land is owned by the Native Corporation, the Native Corporation shall be awarded a money judgment against the plaintiffs in an amount equal to its costs and attorney's fees, including costs and attorney's fees incurred on appeal.

**(d) Definitions**

For the purposes of this section, the terms "navigable" and "navigability" means navigable for the purpose of determining title to lands beneath navigable waters, as between the United States and the several States pursuant to the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.] and section 6(m) of the Alaska Statehood Act.

(Pub. L. 96-487, title IX, §901, Dec. 2, 1980, 94 Stat. 2430; Pub. L. 99-258, Mar. 19, 1986, 100 Stat. 42; Pub. L. 99-644, Nov. 10, 1986, 100 Stat. 3581; Pub. L. 100-395, title I, §101, Aug. 16, 1988, 102 Stat. 979.)

**REFERENCES IN TEXT**

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(1), (b)(1), and (c)(2), (3), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in subsecs. (a)(1), (b)(1), and (c)(2), (3), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Alaska Statehood Act, referred to in subsecs. (a)(1), (b)(1), and (d), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.